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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,094	01/30/2004	David Herbert Hadzicki	REV-1/DIV	9276

1054 7590 12/02/2004

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EXAMINER

PHAN, HAU VAN

ART UNIT PAPER NUMBER

3618

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/770,094

Applicant(s)

HADZICKI ET AL.

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrow (5,769,445).**

Morrow in figures 5-12, discloses a snowboard, which can be used as a skateboard having flexible sides comprising a pair of substantially parallel surfaces (40), which are spaced from each other to form an interior region. Each surface being formed of a plurality of cured, resin impregnated composite fiber layer having a selected orientation (col. 4, lines 5-15). Morrow also discloses at least one tubular member (34) positioned between the surfaces in the interior region for stiffening the deck. Morrow discloses a low-density filler material (30) substantially filling the remainder of the interior region. Wherein the parallel surface are pinched together at at least one location along the deck to resist shearing movement between the surface.

Regarding claims 2-4 and 6, Morrow discloses a pocket (as shown in figures 8-10), which is formed in at least one of the surfaces at the pinching location. The pocket is filled with a low density filler material. The filler material in the pocket is covered by at least one layer of composite fiber material.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (4,295,656) in view of Wilson (6,273,440).**

Moore in figures 1-7, discloses a skateboard having flexible sides comprising a pair of substantially parallel surfaces (41), which is spaced from each other to form an interior region. Each surface being formed of a plurality of cured, resin impregnated composite fiber layer having a selected orientation (col. 4, lines 10-26). Moore also discloses at least one tubular member (40) positioned between the surfaces in the interior region for stiffening the deck. Moore discloses filler material, which made from wood and may have a higher density than the deck that made from fiberglass.

Wilson in figures 8-9, teaches a metal sports board comprising a board (60) including longitudinally elongated cavity-forming chambers (68, 84, 86). The elongated cavities filled with light-weight material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skateboard of Moore with the sport board having elongated cavities, which filled with light weight material as taught by Wilson in order to improve the strength of the skateboard without adding significantly weight to the skateboard.

Regarding claim 6, Moore discloses the parallel surfaces, which are made from material taken from the group consisting of carbon fiber and fiberglass (col. 6, lines 40-55).

Regarding claim 7, Wilson discloses the low density filler material, which is taken from the group consisting of foam, foam plastic, low density wood, wood composite, honeycomb structured materials, layered plastic materials and air-filled bladder configured materials (col. 10, lines 19-40).

**5. Claims 1 and 6-9 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar (3,861,699) in view of Moore (4,295,656).**

Molnar in figures 1-7, discloses a skateboard having flexible sides comprising a pair of substantially parallel surfaces (14, 18). Molnar also discloses at least one tubular member (22) positioned between the surfaces in the interior region for stiffening the deck. Molnar discloses a low-density filler material (42) substantially filling the remainder of the interior region. Molnar fails to show the surfaces, which being formed of a plurality of cured, resin impregnated composite fiber layer having a selected orientation

Moore in figures 1-4, teaches a skateboard having flexible sides comprising a pair of substantially parallel surfaces (41), which is spaced from each other to form an interior region. Each surface being formed of a plurality of cured, resin impregnated composite fiber layer having a selected orientation (col. 4, lines 10-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skateboard of Molnar with the skateboard comprising a pair of substantially

parallel surfaces as taught by Moore in order to provide more or less flexible to the surface when cured.

Regarding claim 6, Moore discloses the parallel surfaces, which are made from material taken from the group consisting of carbon fiber and fiberglass (col. 6, lines 40-55).

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*H. V. Phan*  
11/21/04

Hau V Phan  
Examiner  
Art Unit 3618